

Notice of Allowability

Application No.

10/526,851

Applicant(s)

KOZIKOWSKI ET AL.

Examiner

Jason M. Nolan, Ph.D.

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/17/2007.
2. ☒ The allowed claim(s) is/are 1, 3-38, 53-56, 58-68, 70 & 71 (now 1-54).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

This Office Action is responsive to Applicants Amendment – After Non-Final Rejection, filed **10/17/2007**. **Claims 1, 3-38, 53-56, 58-68, 70 & 71** are pending in the instant application; of which, **Claims 1, 31, 34, 56, 58, & 67** are currently amended and **Claims 70 & 71** are new. **Claims 2, 39-52, 57, & 69** are canceled.

Response to Amendment

Applicant's amendments with respect to **Claims 1, 31, 34, 56, 58, & 67** have been fully considered and are entered. The 102-prior art rejection of **Claims 1, 3-17, 28, 37, 38, 53-59, & 64-69** over Teraji *et al.* is withdrawn per amendment. The 112, 1st enablement rejection of **Claim 58** is withdrawn per amendment and Examiner's Amendment herein. The 112, 1st enablement rejection of **Claims 56 & 67** is withdrawn per amendment. The claim objections to **Claims 18-27, 29-36, & 60-63** are withdrawn per amendment.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Xavier Pillai on December 28, 2007.

The application has been amended as follows:

1. In **Claim 3**, *after* "The compound" and *before* "of claim 1" **insert** - - or a pharmaceutically acceptable salt - -.
2. In **Claim 4**, *after* "The compound" and *before* "of claim 1" **insert** - - or a pharmaceutically acceptable salt - -.
3. In **Claim 5**, *after* "The compound" and *before* "of claim 1" **insert** - - or a pharmaceutically acceptable salt - -.
4. In **Claim 6**, *after* "The compound" and *before* "of claim 1" **insert** - - or a pharmaceutically acceptable salt - -.
5. In **Claim 7**, *after* "The compound" and *before* "of claim 1" **insert** - - or a pharmaceutically acceptable salt - -.
6. In **Claim 8**, *after* "The compound" and *before* "of claim 1" **insert** - - or a pharmaceutically acceptable salt - -.
7. In **Claim 9**, *after* "The compound" and *before* "of claim 1" **insert** - - or a pharmaceutically acceptable salt - -.
8. In **Claim 10**, *after* "The compound" and *before* "of claim 1" **insert** - - or a pharmaceutically acceptable salt - -.
9. In **Claim 11**, *after* "The compound" and *before* "of claim 1" **insert** - - or a pharmaceutically acceptable salt - -.
10. In **Claim 12**, *after* "The compound" and *before* "of claim 1" **insert** - - or a pharmaceutically acceptable salt - -.
11. In **Claim 13**, *after* "The compound" and *before* "of claim 1" **insert** - - or a pharmaceutically acceptable salt - -.

12. In **Claim 14**, **after** "The compound" and **before** "of claim 1" **insert** - - or a pharmaceutically acceptable salt - -.

13. In **Claim 15**, **after** "The compound" and **before** "of claim 1" **insert** - - or a pharmaceutically acceptable salt - -.

14. In **Claim 16**, **after** "The compound" and **before** "of claim 1" **insert** - - or a pharmaceutically acceptable salt - -.

15. In **Claim 17**, **after** "The compound" and **before** "of claim 1" **insert** - - or a pharmaceutically acceptable salt - -.

16. In **Claim 18**, **after** "The compound" and **before** "of claim 1" **insert** - - or a pharmaceutically acceptable salt - -.

17. In **Claim 19**, **after** "The compound" and **before** "of claim 1" **insert** - - or a pharmaceutically acceptable salt - -.

18. In **Claim 20**, **after** "The compound" and **before** "of claim 1" **insert** - - or a pharmaceutically acceptable salt - -.

19. In **Claim 21**, **after** "The compound" and **before** "of claim 1" **insert** - - or a pharmaceutically acceptable salt - -.

20. In **Claim 22**, **after** "The compound" and **before** "of claim 1" **insert** - - or a pharmaceutically acceptable salt - -.

21. In **Claim 23**, **after** "The compound" and **before** "of claim 1" **insert** - - or a pharmaceutically acceptable salt - -.

22. In **Claim 24**, **after** "The compound" and **before** "of claim 1" **insert** - - or a pharmaceutically acceptable salt - -.

23. In **Claim 25**, **after** "The compound" and **before** "of claim 1" **insert** - - or a pharmaceutically acceptable salt - -.

24. In **Claim 26**, **after** "The compound" and **before** "of claim 1" **insert** - - or a pharmaceutically acceptable salt - -.

25. In **Claim 27**, **after** "The compound" and **before** "of claim 1" **insert** - - or a pharmaceutically acceptable salt - -.

26. In **Claim 28**, **after** "The compound" and **before** "of claim 3" **insert** - - or a pharmaceutically acceptable salt - -.

27. In **Claim 29**, **after** "The compound" and **before** "of claim 28" **insert** - - or a pharmaceutically acceptable salt - -.

28. In **Claim 30**, **after** "The compound" and **before** "of claim 28" **insert** - - or a pharmaceutically acceptable salt - -.

29. In **Claim 31**, **after** "...and R₂-R₃ and R₅-R₆ are OH and R₄ is H" and **before** the period at the end, **insert** - - or a pharmaceutically acceptable salt thereof - -.

30. In **Claim 32**, **after** "The compound" and **before** "of claim 28" **insert** - - or a pharmaceutically acceptable salt - -.

31. In **Claim 33**, **after** "The compound" and **before** "of claim 28" **insert** - - or a pharmaceutically acceptable salt - -.

32. In **Claim 34**, **after** "...and R₂-R₃ and R₆ are OH, and R₄-R₅ are H" and **before** the period at the end, **insert** - - or a pharmaceutically acceptable salt thereof - -.

33. In **Claim 35**, **after** "The compound" and **before** "of claim 28" **insert** - - or a pharmaceutically acceptable salt - -.

34. In **Claim 36**, *after* "The compound" and *before* "of claim 28" *insert* - - or a pharmaceutically acceptable salt - -.

35. In **Claim 37**, *after* "...a compound" and *before* "of claim 1" *insert* - - or a pharmaceutically acceptable salt - -.

36. In **Claim 58**, *after* "...R₃-R₆ are independently selected from the group consisting of H" and *before* "and R₁ and R₇..." delete ", OH, isosteres of OH;" and *insert* - - and OH; - -.

37. In **Claim 59**, *after* "The compound" and *before* "of claim 58" *insert* - - or a pharmaceutically acceptable salt - -.

38. In **Claim 60**, *after* "The compound" and *before* "of claim 58" *insert* - - or a pharmaceutically acceptable salt - -.

39. In **Claim 61**, *after* "The compound" and *before* "of claim 58" *insert* - - or a pharmaceutically acceptable salt - -.

40. In **Claim 62**, *after* "The compound" and *before* "of claim 58" *insert* - - or a pharmaceutically acceptable salt - -.

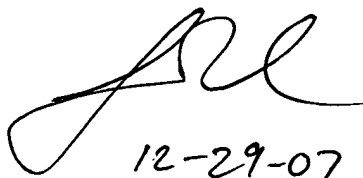
41. In **Claim 63**, *after* "...R₂ is methoxy, R₃ is H, and R₄-R₆ are OH" and *before* the period at the end, *insert* - - or a pharmaceutically acceptable salt thereof - -.

Conclusion

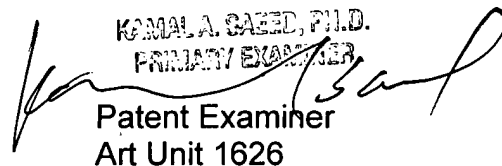
Claims 1, 3-38, 53-56, 58-68, 70 & 71 are allowed and are now renumbered as **Claims 1-54**.

Telephone Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jason M. Nolan, Ph.D.** whose telephone number is **(571) 272-4356** and electronic mail is **Jason.Nolan@uspto.gov**. The examiner can normally be reached on Mon - Fri (9:00 - 5:30PM). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Joseph M^cKane** can be reached on **(571) 272-0699**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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